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TABLE 26. The Functions of Civil Officials

Constitution of Chiapas, 1825 *	*Interpretation of functions by villagers*	*Actual functions, as observed*
President:		
To open and close the sessions at the hour designated in the ruling.	To order the judges.	Sits in on court cases; assigns fines.
To raise the order of the discussion, yielding the floor for or against individuals who solicit it.	To pass the banners in the town-hall.	Orders the police to bring in criminals, assigns tasks for them.
To designate the affairs which ought to be discussed, giving preference to those of greater importance and interest.	To go to the house of the alférez to pass the banners.	Announces government edicts on loudspeaker of cantinas (formerly police played drum and announced these at street corners).
To decree to the appropriate commissions the means or projects which are initiated by the members of the corporation or by individuals, in the cases that the law determines.		In sale of land, goes with síndico and police to plots of land to measure them.
To maintain decorum in the discussions, calling those who disrupt or use harsh expressions in which they lack respect and consideration owed, without loosing the moderate liberty which they ought to have in discussions.		Draws up official acts concerning cases of homicide, sale of communal land, etc.
To call extraordinary sessions when he judges it convenient or when some circumstances make it necessary.		Receives government officials.
To care for the present ruling; to impose fines of 4 reales up to 2 pesos to those individuals who without permission or motive do not attend sessions or do not arrive at the fixed hour, to those who commit some faults in them, or are remiss or lacking in diligence in fulfilling their obligations.		Signs birth and death certificates; consults calendar to name child.
To handle official correspon-		Initiates communal projects such as building the kiosk.
		Signs acts of matrimony and, recently, divorce.
		Orders police to bring in debtors.
		Consults with department officials in matters pertaining to community resources such as forest and irrigation canal.

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Constitution of Chiapas, 1825 *	*Interpretation of functions by villagers*	*Actual functions, as observed*
dence and to sign the communications that the corporation makes. To sign along with other members of the civil officials all the acts of the sessions that are included in the book. To read orders of payment against the funds of the town, previously agreed upon by the civil authority in which they will specify the quantity and the object of its destination. To watch that the police assigned to the civil authority care for the papers of the archive and keep them in the best order possible, not allowing omissions in the correspondence. To demand fines of those who break these orders, previously agreed by the civil authority in the cases that are necessary, and to deposit receipts in the treasury of the town.		
Síndico:		
The síndico will have a voice and vote in the civil authority. His duties are: To raise his voice in the sessions. To ask and promote before the civil authority what is agreeable to the rights of the people. To intervene and censure whatever touches on the good administration and investment of municipal funds. To examine the accounts which the treasurer ought to present annually, to the effect that they	To sit at the table. To accompany the president when he calls upon him. To wait until there is a fight to arrange it.	Attends president in all above functions. Notes contributions made in communal fiestas by each household head. Helps fiscal and treasurer count funds collected. Succeeds president if latter cannot fulfill term of office.

(*cont.*)

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Constitution of Chiapas, 1825 •

	Interpretation of functions by villagers	*Actual functions, as observed*
should fulfill all the specifications following the statement of the respective commission.		
To promote the prompt dispatch of such duties which affect immediately the interest of the public.		
To represent the civil authority in all those judgements which promote the welfare or in which there is some demand.		
To watch over all the objects that are under the inspection of the civil authority, denouncing to them the omissions and faults of fulfillment which are noted.		
The síndico should be heard in all the serious affairs and when there is a plea for permission to invest municipal funds which is greater than that covered in the plans. In the naming of the commissions he will have the consideration of the síndico, in attention to the importance and extension of the objects which are under his inspection and care.		
Alcaldes:		
Exercise the office of conciliators.	Greet the principales with the pat?o?tan.	Initiate proceedings in courtroom, delivers verdict.
Handle civil cases which do not exceed 100 pesos, and criminal cases on injuries and light misdeeds which require only slight punishment and verbal judgement.	Hear trials.	Greet the principales with the pat?o?tan during ceremonies.
Bring culprits to justice. Advise judges.		Sign official documents involving court cases.
Set fines up to 100 pesos and labor payment up to 15 days in public works.		Hear court cases.

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Constitution of Chiapas, 1825 *	*Interpretation of functions by villagers*	*Actual functions, as observed*
Have the responsibility of publishing the laws and edicts of the government. Announce to the townspeople the days for electoral meetings.		
Regidores: †	Sit on the benches inside the town hall. If there is no judge, regidores order police. Arrange dispute cases with the president and judges.	Bring in officials nominated by the civil authority. Greet them in their houses with the pat?o?tan. Transmit orders of the president to the policemen. Pour liquor in the town hall for the other civil officials. Sit in on court cases.
Police: Care for the streets, markets, and public plazas, hospitals and other public places. Inspect the quality of foods of all kinds in the interest of the public and the sellers. Care for the drainage of swampy places and free standing and unhealthy waters. Name a permanent commission charged with maintaining the health of the place. Ensure that the public fountains are well kept up and have abundant water. Ensure the punctual attendance of the children in school. See that the equipment distributed by the army is done with equality. Help the alcaldes tend to the execution of the laws, rulings, and agreements of the civil officials.	Sit on the benches, outside the town hall. Summon children absent from school. Maintain public buildings and streets. Distribute portions of bull slaughtered for a fiesta to those who have paid 20 pesos.	Maintain town hall, plaza, road from highway to town. Adorn town hall for fiestas. Cook common meal for civil officials following court cases when fines have been collected. Collect money for fiestas from each household. Buy liquor for use in town hall. Round up truant school children. Bring in criminals.

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(cont.)

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Constitution of Chiapas, 1825 •	*Interpretation of functions by villagers*	*Actual functions, as observed*
Secretary: In each civil administration they should have a secretary who will earn an annual salary of 144 pesos. To attend the office on non-holidays. To be present all the time that the sessions last. To take notes in order to draw up acts and minutes. To set in a book the acts after approved and signed by all the individuals of the civil administration that are persent at each session. To pass on to the respective commissions the affairs with which the civil authority gives accounts, setting down the understanding in the corresponding book, and taking care to note in the margin when it is undertaken. To give account of all the negotiations that occur in the following order: (1) the acts of the former meeting, (2) the official communications that they receive, (3) the proposals that the members of the civil authority make, (4) the representatives that say the particulars, (5) the dictations of the commission. To sign in union with the president all the official communications, arranging them in order to form them in the points agreed to by the civil authority. To put in the best possible	If there is a major task for the pueblo, the secretary does it. Call the secretary to write the act. Arrange things if there is a homicide. Take a culprit to San Cristóbal if there is no settlement in court.	Writes all official documents. Attends president and síndico in most official trips out of town. Writes official documents such as birth and marriage certificates.

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Constitution of Chiapas, 1825 •	*Interpretation of functions by villagers*	*Actual functions, as observed*

arrangement and with an exact inventory all the books, acts, and papers of the archive, not permitting that anyone take them without express permission of the municipality and leaving the corresponding understanding in order to know where it was stopped and to take it up in the appropriate time.

To present each month a list of the affairs that have passed in the commissions, of those that have been dispatched and those that are hanging.

To pass each month to the municipal president a list of the individuals who had failed to meet in the sessions without legitimate cause in order that they can exact the fine corresponding, arranging for that in the acts.

To meet in the extraordinary sessions when called by the president.

When the secretaries fail in some of their obligations, mentioned in the former articles, they can be fined by the civil authority 2 to 10 pesos without prejudice from the remaining punishments to which they make credits.

As to the election and replacement of the secretaries they will be covered in article 162 of the law of the 20th of March, 1837.

• Translation and paraphrasing of Constitution of Chiapas, 1825.
† Not given in this constitution, perhaps because of the ceremonial nature of the post.

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642 621 626 554 The statement of functions of the civil officials as codified in the state constitution contrasts with that of local informants first of all in the brevity of the latter. This indicates the lack of functional specificity in the role as conceived by Indians in contrast to its Spanish-derived model. The latitude of acceptable performance in the role is best indicated by the statements concerning why a man is relieved of office. A man might be dismissed because he "fights a lot," because he "gets drunk and fights," or because he "steals a lot." The qualification "a lot" suggests the difficulty of actually ridding the town of an incumbent who has caused difficulties while in office. There are only two posts in which deposition actually has occurred: those of president and fiscal. Both these posts represent mediating roles between local and national interest groups. The deposition of the president Augustín recounted in Chapter 9 indicates the kind of community action which can be mobilized. Significantly, failure to perform prescribed duties is not mentioned.

621 554 Second, it is the presence of the officials, not their specific obligations, which is of significance in the local context. "Sitting" therefore is a central and active duty. Each morning at about seven o'clock the officials gather to sit on the benches on the porch of the town hall. The president and síndico sit inside at the table. They return at six in the evening to sit again. The line-up of the civil authorities at their appointed places each morning and evening is a statement of social control. Their presence gives evidence of an authority ready to act against offenders.

A third feature of contrast is that the local statement of functions includes many of the ceremonial activities of the civil officials. Thus the president has the significant duties of seeing that the banners pass into the town hall at the time of a fiesta, and of going to the house of the alférez when the banners are moved in procession. The holiness of office is associated with the holy symbol of the banners. For the police, collecting the 20-peso portions of meat when a bull is butchered for ceremonial meals is as significant as apprehending criminals.

Ritual Behavior

In ritual behavior, the status of officials is projected in role performance. Relative position in each ceremonial setting is an index to rank.

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Priorities in service and salutations validate the prestige of the incumbent. Rituals also provide the occasion for noting social change. Divergencies between expected and enacted sequences are a clue to shifts in authority and prestige. Conflict between competing interests often comes to the surface when structural features are made explicit in ritual performances. This is particularly true in these Indian villages where drinking liquor releases inhibitions. The inaugurations of officials in the civil and religious hierarchies are analyzed below to show how they reflect both continuity and change.

Inauguration of civil officials. Legal provision for the installation of the civil officials is minimally stated in the constitution of the state of Chiapas (Secretaría del Gobierno Departamental de Chiapas, 1841:4):

1. The judges and regidores elected will present on the 30th of December their credentials to the Secretary of the civil branch in order that he will put an account of them in a book.
2. Having verified this, he will give an account to them on the following day in the town hall, for which he will name a commission of three people who will identify the people named.
3. On the 1st of January of each year the first judge will meet in the meeting room and present the oath before the civil officials, chaired by the Prefect or Subprefect along with the remaining members of the group, as is stated in article 164 of the law of the 20th of March, 1837. The form of the oath will be the following:

   "I swear to God to preserve and to have others preserve the constitutional laws decreed and sanctioned by the National Congress in the year of 1836". To which the response will be, "Yes, I swear."

   Concluding the oath, they will take their seats. The outgoing officials will cease their functions, and they will be withdrawn from the place of the meetings.

The elaboration of ritual beyond the requirements of the law in household settings as well as in the town hall reveals the significance of ceremonial acts in these small, endogamous communities. The inauguration is a

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621 the Ejido should be administered by a Commission, the head of which is the Comisario Ejidal. In Amatenango and Aguacatenango, however, there is no distinction between the administration of the communal lands and the ejido parcels. Although there is a Comisario Ejidal, he is usually a young man whose word can be overruled by the Ayuntamiento with whom he must work in agreement, and although the position of Comisario does not count in the escalafón of the civil-religious hierarchy for seniority rights, the post has been informally assimilated into the Ayuntamiento officerships.

Through the legal assignment of a limited territory for each village, the size of the land owned by the community has been, at the moment, frozen. The community lands can neither be expanded, nor alienated from it, except under very special circumstances defined by law.

[642] Under the Mexican Agrarian Code only the State can reclaim land from the community, and only under special conditions: need to establish urban centers, means of communication, and the constructions of hydraulic works for public benefit. Of these, only the second is likely to occur at the present time in this rural, marginal area, which has no modern urban center, little water supply, and a scarcity of good land, so that the construction of a dam is not worth undertaking.

On the other hand, community lands can be expanded for cultivation in three ways:

1) Buying land from nearby fincas, which now cannot be expropriated because they are within the size limits of inalienable property (propiedad inafectable) set up by the government.